

City Council Introduction: **Monday**, October 30, 2000  
Public Hearing: **Monday**, November 6, 2000, at **1:30 p.m.**

Bill No. 00-200

## **FACTSHEET**

**TITLE:** **STREET VACATION NO. 00018**, requested by the Dennis and Mary Bade, to vacate West "N" Street from the west line of South Coddington, west approximately 300 feet, generally located south of West "O" Street on the west side of South Coddington.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan and Conditional Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/18/00  
Administrative Action: 10/18/00

**RECOMMENDATION:** **DENIAL** (9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes').

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan with conditions of approval is based upon the "Analysis" as set forth on p.2-3. The conditions of approval are found on p.3.
2. The applicant was not present at the public hearing before the Planning Commission.
3. Testimony in opposition is found on p.4.
4. The Planning Commission discussion with staff is found on p.4.
5. On October 18, 2000, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend **denial**.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 23, 2000

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 23, 2000

**REFERENCE NUMBER:** FS\CC\FSV00018

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.: STREET VACATION NO. 00018**

**DATE: OCTOBER 2, 2000**

### **WEST 'N' STREET, FROM SOUTH CODDINGTON WEST**

**PROPOSAL:** Dennis and Mary Bade, have requested the vacation of West 'N' Street from the west line of South Coddington, west approximately 300 feet, generally located south of West 'O' Street on the west side of South Coddington

### **GENERAL INFORMATION:**

**APPLICANT:** Dennis and Mary J. Bade  
607 Pier II  
Lincoln, NE 68528  
402-477-5420

**LEGAL DESCRIPTION:** The West 'N' Street right-of-way from the west right-of-way line of South Coddington west approximately 300 feet, abutting Lots 7 through 12, Block 2, and Lots 1 through 6, Block 3, Manchester Heights located in the NW¼ of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** H-3 Highway Commercial District

**EXISTING LAND USE:** Undeveloped Right-of-way

**SURROUNDING ZONING AND LAND USE:** H-3 immediately in all directions, I-1 Industrial one block to the south. Commercial uses to the north and east, vacant to the west and south.

**COMPREHENSIVE PLAN SPECIFICATIONS:** In conformance. This area is shown as Commercial on the Comprehensive Plan Land Use Map. North 18<sup>th</sup> Street is not shown on the Existing or Future Functional Street and Road Classification map.

### **ANALYSIS:**

1. This is a request to vacate West 'N' Street, west of South Coddington to its western terminus.
2. This proposal will add to the land available for commercial development
3. The Public Works and Utilities Department's report notes the following;

3.1 Peoples Natural Gas, the Lincoln Electric System, and Alltel have facilities in the area of the proposed vacation. A permanent easement will be required through the entire vacated area for maintaining the existing facilities and construction of future facilities.

3.2 The vacation of West 'N' Street will also affect the access to the undeveloped property to the west of Manchester Heights Addition (Lot 125 of Irregular Tracts). This street should not be vacated unless the abutting lots to the north and south replatted to provide street access to the lots. The replatting will need to address the future street access to Lot 125 I.T. to the west. It appears that a new street may be needed to replace West 'N' Street or additional right-of-way be added to West 'M' Street (to the south) to provide sufficient right-of-way to construct West 'M' Street.

3.3 The Department of Public Works recommends denial of this proposed vacation until a replat is reviewed and access to Lot 125 I.T. is addressed. This vacation contains an area of 18,000 square feet, more or less.

4. Any subdivision involving West 'M' Street to the south, would require addressing floodplain issues in that area.
5. As with any street vacation, access to the abutting lots needs to be resolved prior to the City Council approving the vacation.
6. In this instance, frontage and access to the undeveloped and unplatted lot to the west, Lot 125 I.T., needs to be resolved if the vacation is to be approved.
7. The City Real Estate Division places a value on this street vacation of \$6,750.00.

**STAFF RECOMMENDATIONS:**

Finding that the proposed vacation conforms with the 1994 Comprehensive Plan.

Conditional approval of the vacation of the West 'N' Street from the west right-of-way line of South Coddington to the terminus of West 'N' Street

**CONDITIONS:**

1. A permanent easement for future and existing utilities shall be retained.
2. A final plat be approved, or be in process, to provide street frontage and access to the platted lots to the north and south and to the unplatted irregular tract to the west.

Prepared by:

Richard A. Houck, AICP  
Planner II  
Planning Department

## STREET VACATION NO. 00018

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, hunter, Schwinn, Newman, Taylor and Bayer.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

The petitioner was not present.

### **Opposition**

1. **Joe Quattrocchi**, 2101 Green Acres Blvd., testified in opposition on behalf of the Quattrocchi Estate, owner of the property at the west end of N Street. Over the past years they have lost about half the property to condemnation for the bypass. It is zoned commercial. He believes the property is in dire need of the street and he sees no reason to close it. He believes that they have given up more than enough for the public use. He does not believe they need to give up any property for one individual.

### **Staff questions**

Rick Houck clarified that Quattrocchi's property is Lot 125, directly west that takes access off either West "N" or West "M". Public Works is recommending denial until the replat is reviewed. Houck stated that one of the conditions of approval of the street vacation is subdivision of the property to provide access to Lot 125.

Steward thought that all adjacent property owners must agree and sign the petition to vacate. Houck concurred; however, the end of the street is not considered abutting property. Right now Mr. Quattrocchi could not come in and build on his lot and take access off of West "N" Street without replatting and providing access. There is no access to a public street now because access to West "O" Street was relinquished due to the bypass exit ramps. However, there is a service road off of "O" Street.

Bayer clarified that if the vacation is approved, the conditions provide that the street cannot be vacated until access is provided.

Public hearing was closed.

### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

October 18, 2000

Duvall moved to deny, seconded by Hunter.

Hunter observed that if the applicant didn't find it important enough to show up for the hearing, it's probably not important enough to pass.

Motion to deny carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.